

Order

Michigan Supreme Court
Lansing, Michigan

December 14, 2007

Clifford W. Taylor,
Chief Justice

130452

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

MARSHALL POWELL, JR., Individually,
and MARSHALL POWELL, JR., and
BARBARA JARRELLS, Co-Personal
Representatives of the Estate of FLORCIE
MAE POWELL, Deceased,
Plaintiffs-Appellants,

v

SC: 130452
COA: 263639
Wayne CC: 04-407872-NH

OAKWOOD HEALTHCARE, INC.,
d/b/a OAKWOOD ANNAPOLIS
HOSPITAL, ALOK SHUKLA, M.D., and
JAMES NEUENSCHWANDER, M.D.,
Defendants-Appellees.

By order of April 13, 2007, the application for leave to appeal the December 22, 2005 judgment of the Court of Appeals was held in abeyance pending the decision in *Mullins v St Joseph Mercy Hosp* (Docket No. 131879). On order of the Court, the case having been decided on November 28, 2007, ___ Mich ___ (2007), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REMAND this case to the Wayne Circuit Court for entry of an order denying the defendants' motion for summary disposition and for further proceedings not inconsistent with this order and the order in *Mullins*.

CAVANAGH, J., not participating, due to a familial relationship with counsel of record.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 14, 2007

Corbin R. Davis

Clerk